

Senate File 2225 - Introduced

SENATE FILE 2225

BY JOHNSON and RAGAN

A BILL FOR

1 An Act relating to adoption investigation and report

2 requirements.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 600.8, subsection 1, Code 2014, is
2 amended to read as follows:

3 1. *a.* A preplacement investigation shall be directed to and
4 a report of this investigation shall answer the following:

5 (1) Whether the home of the prospective adoption petitioner
6 is a suitable one for the placement of a minor person to be
7 adopted.

8 (2) How the prospective adoption petitioner's emotional
9 maturity, finances, health, relationships, and any other
10 relevant factor may affect the petitioner's ability to accept,
11 care, and provide a minor person to be adopted with an adequate
12 environment as that person matures.

13 (3) Whether the prospective adoption petitioner has been
14 convicted of a crime under a law of any state or has a record of
15 founded child abuse. The preplacement investigation and report
16 shall include an examination of the criminal and child abuse
17 records of the prospective adoption petitioner including all
18 of the following:

19 (a) Criminal, child abuse, and sex offender registries
20 maintained by the state.

21 (b) Child abuse registries maintained by any other state in
22 which the prospective adoption petitioner has resided during
23 the five years prior to the issuance of the preplacement
24 investigation report.

25 (c) National biometric identification-based criminal
26 records. For the purposes of international adoption
27 preplacement investigations, the national biometric
28 identification-based criminal record check results obtained
29 pursuant to the standards of the United States department
30 of homeland security shall satisfy the requirement of this
31 subparagraph division.

32 *b.* A postplacement investigation and a report of this
33 investigation shall:

34 (1) Consist of no fewer than three face-to-face visits with
35 the minor person to be adopted and the adoption petitioner to

1 be conducted within thirty days, ninety days, and one hundred
2 eighty days following the placement and during completion of
3 the minimum residence period specified in section 600.10.

4 ~~(1)~~ (2) Verify the allegations of the adoption petition
5 and its attachments and of the report of expenditures required
6 under section 600.9.

7 ~~(2)~~ (3) Evaluate the progress of the placement of the minor
8 person to be adopted.

9 ~~(3)~~ (4) Determine whether adoption by the adoption
10 petitioner may be in the best interests of the minor person to
11 be adopted.

12 (5) Include documentation verifying that any unique needs
13 of the minor person to be adopted are being appropriately
14 met in the placement before the investigator recommends
15 finalization of the adoption.

16 c. (1) A background information investigation of the
17 medical and social history of the biological parents of the
18 minor person to be adopted and a report of the investigation
19 shall be made by the agency, the person making an independent
20 placement, or an investigator prior to the placement of the
21 minor person to be adopted with any prospective adoption
22 petitioner.

23 (2) The background information investigation and report
24 shall not disclose the identity of the biological parents of
25 the minor person to be adopted.

26 (3) The completed report shall be ~~completed~~ and filed
27 with the court prior to the holding of the adoption hearing
28 prescribed in section 600.12.

29 (4) The report shall be in substantial conformance with the
30 prescribed medical and social history forms designed by the
31 department pursuant to section 600A.4, subsection 2, paragraph
32 "f".

33 (5) A copy of the background information investigation
34 report shall be furnished to the prospective adoption
35 ~~petitioners within thirty days after the filing of the adoption~~

1 petition petitioner prior to placement of the minor person to
2 be adopted with the prospective adoption petitioner.

3 (6) Any person, including a juvenile court, who has gained
4 relevant background information concerning a minor person
5 subject to an adoption petition shall, upon request, fully
6 cooperate with the conducting of a background information
7 investigation by disclosing any relevant background
8 information, whether contained in sealed records or not.

9 Sec. 2. Section 600.8, subsection 2, paragraph a, Code 2014,
10 is amended to read as follows:

11 a. (1) A preplacement investigation and report of the
12 investigation shall be completed and the prospective adoption
13 petitioner approved for a placement by the person making the
14 investigation prior to any agency or independent placement of
15 a minor person in the petitioner's home in anticipation of an
16 ensuing adoption.

17 (2) A report of a preplacement investigation that has
18 approved a prospective adoption petitioner for a placement
19 shall not authorize placement of a minor person with that
20 petitioner after ~~one year~~ two years from the date of the
21 report's issuance. However, if the prospective adoption
22 petitioner is a relative within the fourth degree of
23 consanguinity who has assumed custody of a minor person to
24 be adopted, a preplacement investigation of this petitioner
25 and a report of the investigation may be completed at a time
26 established by the juvenile court or court or may be waived as
27 provided in subsection 12.

28 Sec. 3. Section 600.15, Code 2014, is amended to read as
29 follows:

30 **600.15 Foreign and international adoptions.**

31 1. A decree establishing a parent-child relationship by
32 adoption which is issued pursuant to due process of law by a
33 juvenile court or court of any other jurisdiction within or
34 outside the United States shall be recognized in this state.

35 2. For an adoption based on a decree issued by a foreign

1 jurisdiction within the United States, an investigator shall
2 conduct a postplacement investigation and issue a postplacement
3 report as provided in section 600.8.

3. *a.* For an adoption based on a decree issued by a
jurisdiction outside the United States, an investigator shall
conduct a postplacement investigation that consists of a
minimum of three face-to-face visits with the minor person
and the adoptive parents during the first year after the
placement, with the first such visit to be conducted within
sixty days of the placement of the minor person in the adoptive
home. Additional visits shall be conducted if required by the
jurisdiction that issued the decree.

13 b. The postplacement investigation and report under this
14 subsection shall include documentation that any unique needs
15 of the minor person are being appropriately met through the
16 placement.

EXPLANATION

18 The inclusion of this explanation does not constitute agreement with
19 the explanation's substance by the members of the general assembly.

20 This bill relates to adoption requirements.

21 The bill provides that a preplacement investigation and
22 report shall include examination of the criminal and child
23 abuse records of the prospective adoption petitioner including
24 criminal, child abuse, and sex offender registries maintained
25 by the state; child abuse registries maintained by any other
26 state in which the prospective adoption petitioner has
27 resided during the five years prior to the issuance of the
28 preplacement investigation report; and national biometric
29 identification-based criminal records. Additionally,
30 the bill provides that for the purposes of international
31 adoption preplacement investigations, the national biometric
32 identification-based criminal record check results obtained
33 pursuant to the standards of the United States department of
34 homeland security shall satisfy the requirement.

35 The bill provides that a postplacement investigation and a

1 report shall, in addition to current requirements, consist of
2 no fewer than three face-to-face visits with the minor person
3 to be adopted and the adoption petitioner to be conducted
4 within 30, 90, and 180 days following the placement and during
5 completion of the minimum residence period which is 180 days
6 unless otherwise provided. Additionally, the preplacement
7 investigation and report is to include documentation verifying
8 that any unique needs of the minor person to be adopted
9 are being appropriately met in the placement before the
10 investigator recommends finalization of the adoption.

11 The bill specifies that the background information
12 investigation is to be of the medical and social history of the
13 biological parents of the minor person to be adopted; that a
14 report of the investigation shall be made by the agency, the
15 person making an independent placement, or an investigator
16 prior to the placement of the minor person to be adopted with
17 any prospective adoption petitioners; that the completed report
18 is to be filed with the court prior to the holding of the
19 adoption hearing; and that a copy of the background information
20 investigation report shall be furnished to the prospective
21 adoption petitioners prior to placement of the minor person to
22 be adopted with the prospective adoption petitioners.

23 The bill extends from one year to two years the period
24 during which a report of a preplacement investigation that has
25 approved a prospective adoption petitioner for a placement may
26 be used to authorize placement of a minor person with that
27 petitioner.

28 With regard to foreign and international adoptions, the
29 bill provides that for an adoption based on a decree issued
30 by a jurisdiction within the United States, postplacement
31 investigations and reports are to be conducted as required
32 for in-state adoptions. For an adoption based on a decree
33 issued by a jurisdiction outside the United States, an
34 investigator shall conduct a postplacement investigation
35 and issue a postplacement report which investigation shall

1 include a minimum of three face-to-face visits with the minor
2 person and the adoptive parents during the first year after
3 the placement of the minor person in the adoptive home. In
4 addition to the minimum visits required, additional visits
5 shall be conducted if required by the jurisdiction that issued
6 the decree. Additionally, any postplacement investigation and
7 report relating to adoptions issued by a jurisdiction outside
8 the United States are to include documentation that any unique
9 needs of the minor person are being appropriately met through
10 the placement.